

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD., Plaintiff,	)	
	)	
	)	C.A. No. 21-1015 (JLH)
v.	)	
	)	
SAREPTA THERAPEUTICS, INC.,	)	
Defendant.	)	
SAREPTA THERAPEUTICS, INC. and THE	)	
UNIVERSITY OF WESTERN AUSTRALIA,	)	
Defendant/Counter-Plaintiffs	)	
	)	
v.	)	
	)	
NIPPON SHINYAKU CO., LTD. and NS	)	
PHARMA, INC.,	)	
Plaintiff/Counter Defendants.	)	

**[AMENDED] PHASE 2 VERDICT FORM**

### **INSTRUCTIONS**

When answering the following questions and completing this Verdict Form, please follow the directions provided throughout the form. Your answer to each question must be unanimous. Some of the questions contain legal terms that are defined and explained in detail in the Jury Instructions. Please refer to the Jury Instructions for guidance on the law applicable to each question.

We, the jury, unanimously agree to the answers to the following questions as our verdict in this case:

**FINDINGS OF PATENT DAMAGES FOR NIPPON SHINYAKU**

- 1. Has Nippon Shinyaku proven by a preponderance of the evidence that it is entitled to damages?**

**YES** \_\_\_\_\_  
(finding for Nippon Shinyaku)

**NO** \_\_\_\_\_  
(finding for Sarepta)

**Directions for Question 2:** If you answered “Yes” for Question 1, answer Questions 2 and 3. Otherwise, proceed to the last page of the Verdict Form and sign and date the page.

- 2. For Sarepta’s infringing U.S. unit sales Nippon Shinyaku is entitled to damages for: (answer only one)**

Lost profits of an amount of \$ \_\_\_\_\_

OR

Only a reasonable royalty of \$ \_\_\_\_\_, which is a royalty of \_\_\_\_\_ %.

- 3. For Sarepta’s infringing foreign unit sales Nippon Shinyaku is entitled to damages for:**

A reasonable royalty of \$ \_\_\_\_\_, which is a royalty of \_\_\_\_\_ %.

You have now reached the end of the verdict form, and you should review it to ensure it accurately reflects your unanimous determinations. You must each sign the verdict form in the spaces below and notify the Jury Officer after you have reached a verdict.

Date: \_\_\_\_\_

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